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SUBJECT: BAHRAIN ANTI-TRAFFICKING RESPONSES 2006

REF: STATE 3836

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11. (SBU) Post's response to reftel follows. Answers are keyed to reftel questions. Please note that during the reporting period the Ministry of Social Affairs, which has the lead in establishing a shelter for victims of trafficking and abuse, was renamed the Ministry of Social Development.

12. (SBU) 21A. Bahrain is a country of destination for men primarily as laborers and, to a lesser extent, domestic workers, and women primarily as domestic workers and, to a lesser extent, laborers. There is no evidence that trafficking of children is an issue in Bahrain. Trafficking does not occur within Bahrain's borders and there is no territory outside of GOB control. Numbers of those trafficked are unclear as systems for recording and reporting such information are still in their early stages. The Ministry of Labor stood up an automated system in mid-2005 to track employer-reported "runaway" workers, providing efficiency and enabling a wider base of users access to the information. The Ministry reported that 2,284 workers were registered as runaways by their employers in calendar year 2005. An inter-ministerial task force has discussed the establishment of a database to record instances of trafficking in a more comprehensive way, but action has not been initiated as yet. Sources of information on trafficking and steps the government is taking to address the problem are as follows: Ministry of Foreign Affairs, Ministry of Labor, Ministry of Justice, Ministry of Social Development, Ministry of Interior, Migrant Worker Protection Society (MWPS), human rights NGOs, and the embassies of source countries. Although the GOB sources are reliable in the information they provide, systems are not yet in place to provide reliable numerical and statistical data.

13. (SBU) 21B. There was no evidence of significant change in the extent of trafficking from the last reporting period. Primary source countries for Bahrain were India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, Thailand, and the Philippines. To a lesser extent, China, Ethiopia, Eritrea, and countries of the former Soviet Union were also source countries. Trafficking occurred primarily through recruitment agencies in source countries and in Bahrain. Victims commonly related anecdotes about agencies in source countries charging high administrative fees and describing desirable employment and attractive wages in Bahrain. Upon arrival in Bahrain, the reality that faced new workers was a changed contract, workplace and job; long, arduous hours; lower salary than promised; and instant debts that had to be repaid to the local recruiting agency and sponsor. The new worker did not have much choice but to accept the new terms and begin paying off the debt, which may take months, sometimes more than a year. Housing was often over-crowded, unsanitary and without air conditioning, an unsafe situation during the extremely hot summer months. Workers were subject to periods of non-payment or partial payment of their salaries. Domestic workers were subject to excessive hours, lack of freedom of movement outside the house, verbal and physical abuse (including rape), withholding of documents such as passports, forced labor in the homes of neighbors or relatives of the sponsor, and forced fasting during Ramadan, even for non-Muslims. Domestics reported having been locked up in recruitment agency offices while they waited for initial deployment or redeployment in cases of problems in the initial assignment. The press reported occasional suicides among expatriate workers. Participation in the sex tourism industry was almost always voluntary; cases of forced prostitution were rare.

14. (SBU) 21C. From post's perspective there are no clear limitations on the government's ability to address trafficking. The government points to the natural bureaucratic process taking time for the passage of legislation, the establishment of a shelter, and the realization of other initiatives.

15. (SBU) 21D. The inter-ministerial task force meets regularly to monitor and assess its progress on different fronts. The USG has identified with the GOB that reporting on progress is a weakness. There have been a few press stories in which the head of the task force, MFA Assistant Under Secretary for Coordination and Follow-up Shaikh Abdul Aziz Bin Mubarak Al Khalifa was featured, and in which he called attention to the problem of trafficking and discussed measures the government is taking to address the issue. The MFA is in the process of standing up a human rights section within its legal affairs division, and post has received some support from this section during the reporting period.

16. (SBU) 22A. The GOB acknowledges at the highest levels that trafficking is a problem, and there exists the political will to address it. In January Shaikha Sabeeka Bint Ebrahim Al Khalifa, wife of King Hamad and Chairwoman of the Supreme Council for Women, participated in an international roundtable conference on human trafficking in Athens, Greece.

The conference was organized by the Suzanne Mubarak Women's International Peace Movement and the global coalition Women Defending Peace. There was much local press coverage of her involvement in the event, drawing much attention to the problem of trafficking.

17. (SBU) 22B. The Ministry of Foreign Affairs has the lead in anti-trafficking efforts with Shaikh Abdul Aziz as the head of the inter-ministerial task force. Other government agencies involved on the task force are as follows: Ministry of Justice, the Attorney General's office, Ministry of Interior, Ministry of Cabinet Affairs, Ministry of Social Development, and the Capital Governorate.

18. (SBU) 22C. Education efforts to date have primarily focused on educating workers. Multi-lingual printed information was given to workers arriving at the airport, at health centers where each new worker must have a physical exam, at embassies, and at the Ministry of Labor. In addition, phone numbers for two hotlines, a trafficking hotline and a labor inspection hotline, were carried daily in the English-language newspaper, the Gulf Daily News. In the reporting period, the trafficking hotline office received 28 cases, including 15 calls, 10 letters or faxes, and three walk-in cases. In 2005 the Ministry of Labor conducted outreach/mediation events with 13 companies in which there had been reported problems. These events involved sharing information on regulations and new initiatives, conducting discussion sessions involving both managers and employees to encourage mutual understanding, and distributing handouts. GOB officials have voiced the need for additional outreach after anti-trafficking legislation is passed.

19. (SBU) 22D. U.S. funded NGO TIP-related trainings have included the involvement of GOB officials, judges, prosecutors, and attorneys. The Ministry of Labor conducted outreach activities as described in para 8.

10. (SBU) 22F. Through its four-year existence, the Migrant Worker Protection Society has developed an adequate network to assist victims. The Ministry of Interior contacts the MWPS when the police identify victims who need assistance. The MWPS supports victims in dealing with immigration and visa problems. The MWPS also facilitates victim contact with her/his embassy's staff. The MWPS receives no GOB funding although Bahraini officials, in particular MFA's Shaikh Abdul Aziz, have supported MWPS's fundraising efforts. Recently the Indian Women's Association pledged to fund the rent for the MWPS shelter for one year. Within the government the Ministry of Labor coordinates frequently with immigration authorities on individual cases.

11. (SBU) 22G. There is no apparent system for monitoring patterns for evidence of trafficking. Bahrain's sole border crossing is the causeway between Bahrain and Saudi Arabia. The press carries occasional reports of alien smuggling into Saudi Arabia across the causeway, but cases are not common.

12. (SBU) 22H. As stated above, the inter-ministerial task force, led by Shaikh Abdul Aziz, coordinates GOB action. The GOB does not have a public corruption task force. Issues of corruption are addressed publicly by periodic government audit reports, Members of Parliament in the Council of Representatives, and by an NGO, the Bahrain Transparency Society.

13. (SBU) 22J. Member ministries of the anti-trafficking task force formulated a national plan of action that includes legislation, a shelter, a trafficking database, phone hotlines, and outreach, among other items. NGOs were not consulted in the process. The plan is an internal document and has not been made public in its official form.

14. (SBU) 23A. Bahrain has not yet passed anti-trafficking legislation. Draft legislation has been completed and is presently out for feedback from relevant ministries. In addition, the draft will be circulated in March 2006 in Riyadh at a meeting of Gulf Cooperation Council (GCC)

countries subsequent to their request that Bahrain take the lead on drafting model legislation that all GCC countries could consider for implementation. Present Bahraini laws are not adequate to cover the full scope of trafficking, but cases involving trafficking have been prosecuted under forced labor, unjustifiable holding of salaries, unlawful holding of an employee's passport, assault, and forced prostitution. USG-funded programs have assisted the Ministry of Justice in drafting the proposed legislation.

¶15. (SBU) 23B. Anyone found guilty of sexual exploitation is subject to imprisonment of between two and seven years. If the victim is under 18 years of age, the imprisonment increases to between three and ten years. Government employees found guilty of imposing forced labor on other government employees are subject to imprisonment of up to ten years. Non-government employees found guilty of forced labor are subject to imprisonment and/or a fine.

¶16. (SBU) 23C. Under current law, rape of a female is punishable by a sentence of up to ten years in prison, and rape of a male can result in imprisonment of up to seven years unless the male victim is under 17 years of age, in which case the perpetrator can be imprisoned up to ten years. Sex trafficking is not covered under current law.

¶17. (SBU) 23D. Under current laws, both the activities of prostitutes and those soliciting prostitution are criminalized. The activities of handlers of prostitutes, such as pimps or brothel owners/operators, are also criminalized.

¶18. (SBU) 23E. Because "trafficking" is not yet addressed by Bahraini law, there have been no convictions for trafficking. However, the GOB has prosecuted aspects of trafficking cases under current laws such as those listed in para 14. In a recent case, seven individuals, including two Bahrainis and five Indians, have been charged with unlawful bondage of workers and assault after holding six expatriate workers captive for 15 hours in a refrigeration truck. If convicted they face between three and 15 years of imprisonment. The Ministry of Labor employs mediation techniques to resolve complaints before they rise to the level of legal action. This mediation is conducted at two levels. First, before a complaint has entered the system officially, labor counselors make an attempt to resolve the issue. Reportedly 16% of 233 cases involving domestic workers were resolved before formal registration of the complaint. Another 44% were resolved after registering the complaint formally and undergoing a more robust mediation effort. The remaining 92 cases could not be resolved and were forwarded to the Public Prosecutor's Office for further action. Information on the outcome of these cases was not available from the Public Prosecutor's Office.

¶19. (SBU) 23F. Recruitment agencies in Bahrain and in source countries are primarily responsible for trafficking in Bahrain. Sponsors of expatriate workers who arbitrarily change terms of worker contracts without worker input are also guilty of trafficking. The Ministry of Labor has employed three new labor inspectors to focus on recruitment agencies. During the reporting period all of the existing 86 recruitment agencies were inspected, three were closed for violations and a fourth was placed on probation. Two of those which were closed were allowed to reopen after adequately addressing the violations. The inspectors resolved 103 of 113 complaints filed with their office against recruitment agencies during the reporting period. The remaining are still under investigation.

¶20. (SBU) 23G. The Ministry of Labor employs approximately 60 labor inspectors who initiate inspections upon application for a work permit, subsequent to a worker complaint, following an employer request, and also randomly. Covert police operations, although permitted by Bahraini law, are not used to investigate alleged trafficking. Undercover officers are used to catch prostitutes. Labor inspectors inspect labor sites to find and deport illegal workers and punish their sponsors. Sponsors are liable for deportation expenses and fines of up to 1000 dinars (\$2,660) for each illegal worker.

¶21. (SBU) 23H. The GOB has encouraged its officials to participate in trafficking related programs on how to recognize, investigate, or prosecute instances of trafficking as they have become available. A new eight-week training course on international law to be conducted by MOJ Under Secretary Shaikh Khalid Bin Ali Al Khalifa and Assistant

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Under Secretary Judge Abdulla Al Buainain will include elements of anti-trafficking law throughout and a separate module devoted to trafficking. The recipients of the training will be new prosecutor trainees from whom new judges are often appointed. Through an American Bar Association (ABA) program, Judge Maria Giannarino, an Italian judge and

expert in trafficking law, delivered a one-week training workshop in September 2005 for judges, prosecutors and lawyers. The Minister of Justice addressed the cohort of trainees to affirm the importance he attached to the issue. International trafficking expert Dr. Mohamed Mattar from Johns Hopkins University will be in Bahrain to conduct a workshop in March 2006 for government officials, attorneys, employers, and civil society groups.

¶22. (SBU) 23I. Post is not aware of any cooperative international investigations or prosecutions of trafficking cases. Embassies of source countries coordinate with the Ministry of Labor to resolve alleged trafficking cases.

¶23. (SBU) 23J. There are no known trafficking-related extradition requests filed with the GOB. Bahrain is party to a number of bilateral extradition treaties and some multinational arrangements, including the Arab Agreement to Combat Trans-Arab Organized Crime and the Arab Agreement to Combat Terrorism.

¶24. (SBU) 23K. There is no firm evidence of government involvement in or tolerance of trafficking. However, there are reportedly prominent members of the Bahraini community who receive authorization to sponsor large numbers of expatriate workers over the number they can reasonably employ. Some reportedly engaged in the illegal practice of "selling" the visa to the worker for a fee of up to more than 1000 dinars (\$2660), who is then free to look for employment secretly and illegally on the open market, called "a casual

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laborer." Employers who hire these workers are subject to fines if caught. However, since they can hire these workers for less than legitimately hired workers through recruitment agencies, some accept the risk. The Ministry of Labor system of accountability requires that if a laborer leaves his/her sponsor, the sponsor must report the laborer as a "runaway" worker and pay a 100 dinar (\$266) deposit, refundable upon detention of the worker. In 2005, 2284 workers were reported as runaways and 691 casual laborers were detained and referred to immigration for deportation. Reportedly, in many cases after a "casual" worker's two year work permit validity expires, the worker must go back to the original sponsor to "renew" his work permit by "buying" the visa again from the sponsor for a similar sum. The Ministry of Labor reported that in 2005 there were two Bahraini individuals who were charged for this kind of illicit activity.

¶25. (SBU) 23L. No government officials have been prosecuted for involvement in trafficking or trafficking-related corruption.

¶26. (SBU) 23M. Bahrain does not have an identified child sex tourism problem.

¶27. (SBU) 23N. Bahrain has signed and ratified ILO Conventions 29, 105 and 182, in addition to the Optional Protocol to the Convention on the Rights of the Child. In March 2004, the MFA announced Bahrain's accession to the UN Convention Against Transnational Organized Crime and the Protocols to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children.

¶28. (SBU) 24A. The GOB does not provide shelter, medical care, or psychological services specifically for victims of trafficking. However, emergency medical care is universally available in Bahrain. Police are instructed not to return an abuse victim to her/his sponsor if there is a risk of violence. As was mentioned earlier, MWPS has become a contact for police stations in cases where victims need shelter. The GOB, through the Ministry of Social Development, has taken several steps to open a government-run shelter open to any victim of abuse in Bahrain. Funds have been allocated and a building has been selected for its operation, an administrative staffing plan has been approved, and its by-laws are in the process of being approved. The Ministry of Labor operates two hotlines (see para 8) during business hours. Recently the budget for the hotlines was augmented to expand the service to 24 hours; the longer service is estimated to begin in summer 2006. As described in para 18, the MOL also provides labor dispute mediation services and works with immigration authorities to provide temporary residency when necessary until the dispute is resolved.

¶29. (SBU) 24B. Although it permits NGOs that serve migrant workers to operate freely in Bahrain, the GOB does not provide funding or other forms of support for services to victims.

¶30. (SBU) 24C. There is no formal referral process in place for victims of abuse; victims are handled on a case by case basis. In some cases a victim is given temporary shelter by the police while the case undergoes a preliminary investigation. Other cases are referred to MWPS to provide

longer term shelter and assistance. And in cases where there is an indication of misconduct on the part of the expatriate worker, the worker may be held in detention before being deported.

¶31. (SBU) 24D. Trafficking victims are not fined or imprisoned unless they have perpetrated a non-labor crime such as theft, assault, or prostitution. Workers who are no longer employed by their sponsor, but who have pursued work illegally, if caught, are detained at the Immigration Residence while being processed for deportation. According to the Ministry of Labor, attempts were made not to detain workers for longer than 48 hours, but detention lengths reportedly varied.

¶32. (SBU) 24E. Although the GOB may not actively encourage workers to pursue legal action against employers, it does not discourage the initiation of such legal action. The GOB reportedly facilitates contact with lawyers, but NGOs report that workers rarely have the resources to hire quality attorneys. Immigration officials often adjust residence requirements and sponsorship enabling expatriate victims to work for employers other than their sponsors in order to support themselves during the legal process.

¶33. (SBU) 24F. At present, the GOB provides little support for victims and witnesses. Progress on a shelter for victims was discussed above in para 28. Other than the MWPS shelter, the Philippine Embassy has its own shelter and a robust program of protecting Philippine victims of abuse, averaging between 30 and 40 victims seeking refuge monthly. No other embassy has its own shelter. However, the Indonesian government has imposed a tentative ban on new Indonesian domestic workers to Bahrain. The Philippine Embassy has imposed a minimum monthly wage of 75 dinars (\$200) in addition to a requirement that all contracts be approved by the Embassy before the worker arrives in Bahrain. The Indian Embassy is also currently seeking to impose a strict set of contractual rules such as holding recruitment agencies responsible for medical treatment and repatriation of abuse victims.

¶34. (SBU) 24G. The GOB does not regularly provide specialized training for government officials, including its diplomats in other countries. However, there has been discussion about needed training for shelter workers prior to the opening of the government shelter in Bahrain. U.S. NGO Education Development Center has arranged for a seminar in March 2006 conducted by well-known trafficking expert Dr. Mohamed Mattar for civil society groups, employers, legal professionals, educators and government officials. In addition to the seminar, Dr. Mattar will meet with the task force and provide input on both anti-trafficking legislation and shelter guidelines.

¶35. (SBU) 24H. Post is not aware that any Bahraini nationals were victims of trafficking during the reporting period.

¶36. (SBU) 24I. No international NGOs currently work in Bahrain. The GOB has not developed a mechanism by which international organizations and NGOs are able to register to work in Bahrain. In 2004, the GOB approved an International Organization for Migration (IOM) project, but was unable to identify a legal mechanism allowing IOM to operate in the country. The task force is still working on a resolution to this situation, but as yet it remains unresolved.

¶37. (SBU) Post POC is Poloff Mike Mussi (office: 973 1724 2834, fax: 973 1727 3011). Hours spent on the report are as follows: FS-04 officer, 65 hours; FS-02 officer, 2 hours; FS-01 officer, 2 hours.

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